



ENTERED  
12/06/2013

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**IN RE: FOUR MILE TREE, LLC**

§  
§  
§  
§

**CASE NO. 13-20560**

**Debtor.**

**Chapter 11**

**CONSENT ORDER SUSPENDING CHAPTER 11 CASE**

THIS MATTER having come before the Court by consent of The Old Point National Bank, of Phoebus ("Old Point") and the Debtor in possession Four Mile Tree, LLC (the "Debtor") herein (together, the "Parties" and separately a "Party").

WHEREAS, on November 19, 2013, Old Point filed an Involuntary Petition under Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code") against the Debtor in the United States Bankruptcy Court for the Eastern District of Virginia thereby commencing case number 13-51834-FJS (the "First Case").

WHEREAS, on November 20, 2013, the Debtor filed a Voluntary Petition under Chapter 11 of the Bankruptcy Code in this Court, thereby commencing the above-captioned case (the "Instant Case"). Also on November 20, 2013, the Debtor filed its Disclosure Statement (the "Disclosure Statement") and Chapter 11 Plan (the "Plan"), along with its Schedules and Statements of Affairs. [Doc #'s 1, 2 and 3]

WHEREAS, on November 27, 2013, Old Point filed a Motion to Transfer Venue and Consolidate Cases (the "Transfer Motion") in the First Case. The Transfer Motion requests the Bankruptcy Court for the Eastern District of Virginia to determine proper venue of the Instant Case.

WHEREAS, the Parties have jointly requested that this Court suspend all proceedings in the Instant Case to allow the Bankruptcy Court for the Eastern District of Virginia to render its

ruling on the Transfer Motion and such other responsive pleadings or motions as the parties may file in the First Case;

WHEREFORE, in light of the joint request of the Parties, and the Court's independent determination that a general suspension of all proceedings in the Instant Case is proper and in the best interest of the Debtor, its estate, its creditors, and other parties in interest; and it appearing that proper and adequate notice of the request for such suspension has been given; and after due deliberation thereon; and good and sufficient cause appearing therefore, it is hereby

**ORDERED, ADJUDGED, AND DECREED that:**

1. All proceedings in the Instant Case shall be suspended generally to allow the Bankruptcy Court for the Eastern District of Virginia to render its ruling on the Transfer Motion and such other responsive pleadings or motions as the parties may file in the First Case;

2. The Initial Debtor's Conference scheduled for December 9, 2013 and the Section 341 first Meeting of Creditors scheduled for December 17, 2013, shall be continued generally pending the venue determination of the Bankruptcy Court for the Eastern District of Virginia; and

3. All deadlines previously established in the Instant Case, including but not limited to those deadlines related to the Disclosure Statement and Plan, shall be generally suspended pending the ruling of the Bankruptcy Court for the Eastern District of Virginia on the Transfer Motion and such other responsive pleadings or motions as the parties may file in the First Case; and

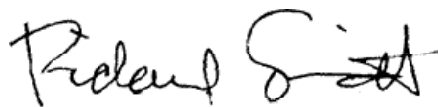
4. Nothing herein shall be construed as a waiver or modification of any rights of any Party to advance any pending or new argument, motion, cause of action, evidence, or position with respect to any issue or dispute that may be brought in the Instant Case and in this Court or

in the Bankruptcy Court for the Eastern District of Virginia, and all such rights are expressly preserved hereby; and

5. Upon the ruling of the Bankruptcy Court for the Eastern District of Virginia with respect to the Transfer Motion and such other responsive pleadings or motions as the parties may file in the First Case, the Parties shall promptly file a joint report regarding those rulings, attaching any written orders entered, and promptly schedule a status conference before this Court in the Instant Case to report and argue the status of the Instant Case.

December 6, 2013

Signed this \_\_\_\_ day of December, 2013



Richard S. Schmidt  
United States Bankruptcy Judge

SUBMITTED BY AND AGREED:

/s/ Timothy P. Dowling

Timothy P. Dowling

State Bar No. 06083900

So. District No. 2431

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